

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GEM YIELD BAHAMAS LIMITED and GEM
GLOBAL YIELD LLC SCS,

Petitioners,

vs.

MULLEN TECHNOLOGIES, INC. and
MULLEN AUTOMOTIVE, INC.,

Respondents.

Case No. 1:24-cv-01120-KPF

Related Case No. 1:23-cv-11268-KPF

Hon. Katherine Polk Failla

[PROPOSED] ORDER AND JUDGMENT

Respondents Mullen Automotive, Inc. and Mullen Technologies, Inc., having moved this Court pursuant to Rule 56 of the Federal Rules of Civil Procedure, the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 9 U.S.C. § 201 *et seq.*, and the Federal Arbitration Act, 9 U.S.C. § 10 *et seq.*, for an Order (i) denying Petitioners' Motion for Summary Judgment (ECF No. 58, the "Motion"); (ii) granting Respondents' Cross-Motion for Summary Judgment ("Cross-Motion") to vacate an interim measures order (the "Interim Measures Order") issued on January 24, 2024 by the arbitrator presiding over an arbitration proceeding between Respondents and Petitioners GEM Yield Bahamas Limited and GEM Global Yield LLC SCS, entitled *GEM Yield Bahamas Limited and GEM Global Yield LLC SCS v. Mullen Technologies, Inc. and Mullen Automotive, Inc.*, AAA Case No. 01-21-0016-7001; and (iii) granting such other and further relief as the Court deems just and proper; and Respondents having duly come to be heard before this Court; and upon this Court's due consideration of Respondents' Cross-Motion, dated May 6, 2024, the accompanying Memorandum of Law in Opposition to Petitioners' Motion for Summary Judgment and in Support of Respondents' Cross-Motion for Summary Judgment,

dated May 6, 2024, and the parties' Joint Rule 56.1 Statement of Undisputed Material Facts (ECF No. 62) and Joint Appendix of Exhibits (ECF No. 64), it is hereby:

ORDERED that Petitioners' Motion is denied; and it is further

ORDERED that Respondents' Cross-Motion is granted; and it is further

ORDERED that the Interim Measures Order is vacated.

Dated: _____, 2024

SO ORDERED:

United States District Court Judge